

Title:	<b>Experimental Modernization Project (EMP) Guidelines</b>	
Purpose:	The objective of these guidelines is to provide a flexible structure to develop, approve, and evaluate EMPs.	
Issued by:	Labor Relations and Training	Date: February 15, 2005
References:	Hawaii Revised Statutes (HRS) §78-3.5, Experimental modernization projects; Circular No. 1-03 (1-6-2003)	

## **I. AUTHORITY & PURPOSE**

Act 253, SLH 2000, added a new section to Chapter 78, Hawaii Revised Statutes (HRS), that enables each jurisdiction to improve/modernize its human resource program by implementing desired changes on an experimental basis. The purpose of this bill is to encourage and facilitate improvements in the human resource programs which would result in a more desirable program for the City.

Such experimental projects shall not be limited by state or local personnel laws and rules, but shall be in compliance with all equal employment opportunity laws and laws prohibiting discrimination.

## **II. SCOPE**

The following guidelines shall apply to EMPs that are conducted within the City to improve the human resource program for employees included in and excluded from bargaining units 1,2 3, 4, 10, 11, 12, and 13.

## **III. METHODOLOGY**

- A. All departments and/or departments who wish to form partnerships shall submit an EMP proposal to DHR, Labor Relations and Training Division (LRT).
- B. DHR-LRT shall review and recommend approval/disapproval or suggested modifications to the proposal to the Director of the DHR (Director). Subject to the Director's approval, department representatives may be requested to participate in the review of the proposal.
- C. The Director will submit a recommendation regarding the EMP proposal, via the Director of the Department of Budget and Fiscal Services, to the Managing Director and Mayor for approval. Authority for approval may be delegated to the Director.

## **IV. GUIDELINES - Steps for completing the EMP Proposal**

Information obtained from completion of these steps will be valuable in evaluating EMP proposals to determine whether to continue, modify or discontinue the EMP.

### **A. Part I**

- 1. Define the purpose and scope of the project and its impact in improving/modernizing the human resource program. Include interim and final quantitative benchmarks to measure effectiveness of the project.

2. Identify the specific section(s) in collective bargaining agreement(s) (CBA) that will need to be waived and/or modified to implement the EMP.
3. Describe the specific procedures/methods that will be used in the project.
4. Note the projected beginning and ending dates of the project. Attach an action plan showing the action steps, deadlines for each step, and when periodic progress reviews/reports will be done.
5. Establish the criteria for evaluating the project's success.
6. Identify resources needed and determine associated costs involved, if any.
7. Identify the affected employees, their position titles, position numbers, bargaining unit(s), and organizational locations.
8. Obtain the Appointing Authority's approval.

Note: Affected employees and the union(s) may offer suggestions that contribute to a project's success. Therefore, determine early on or at certain milestones of the project whether informal pre-consultation discussions with and/or actual involvement of representatives from the affected employee group and union should be initiated.

9. DHR-LRT will submit its recommendation for approval/disapproval or suggested modifications to the Director. LRT shall be responsible for tracking the disposition of the EMP and maintaining records.
10. The Director shall review for recommendation or approval/disapproval or modification to all EMP proposals.

## **B. Part II**

11. Conduct a formal consultation meeting with affected employees and/or the unions. Include a representative from DHR-LRT in any consultation meetings with the union(s).

## **C. Part III**

12. If the project impacts any CBA provisions of the affected employee organization, initiate discussion with the union(s) to determine whether a waiver from the union(s) is needed or if a memorandum of agreement (MOA) or supplemental agreement (SA) should be executed. Commence negotiations with the exclusive representative(s) on the proposed change(s) and/or amendments to the CBA.

Indicate the bargaining unit(s) of the affected employee group on the waiver and the MOA.

**V. REPORTS ON PROJECT**

- A. Periodic program reports and any modifications to the action plan shall be submitted to DHR-LRT.
- B. Based on the criteria for evaluating the project, the department or lead “partner” department will submit a final summary report of the EMP to DHR-LRT within two (2) months of the EMP’s conclusion. The report shall include a recommendation to incorporate, modify, or not incorporate the project into the human resource program.

DHR-LRT will submit a recommendation to the Director. The department shall be notified of the decision.

For a DHR initiated project, the DHR division responsible for the project will prepare the aforementioned summary report within the specified period and submit its recommendation to the DHR director to permanently incorporate or not incorporate it into the human resource program or any other disposition.

Attachments

**DEPARTMENT OF HUMAN RESOURCES  
EXPERIMENTAL MODERNIZATION PROJECT (EMP) PROPOSAL**

**PART I (Project Proposal)**

Project Title: \_\_\_\_\_ Initiated by: \_\_\_\_\_  
Department

Contact Person (Dept.): \_\_\_\_\_ Phone: \_\_\_\_\_

FAX: \_\_\_\_\_ E-mail: \_\_\_\_\_

Contact Person (DHR Division): \_\_\_\_\_ Phone: \_\_\_\_\_

FAX: \_\_\_\_\_ E-mail: \_\_\_\_\_

In order to evaluate the effectiveness of the EMP and to assist departments in implementing the EMP, the following information should be provided (use additional pages as needed):

1. Define the purpose and scope of the project and how it will improve the human resources program.
2. Identify the specific section(s) in the collective bargaining agreement(s) that will need to be waived and/or modified to implement the EMP.
3. Describe the specific procedures/methods that will be used in the project.
4. List the projected beginning and ending dates of the project. Attach an action plan showing the action steps, deadlines for each step, and submit periodic progress reviews/reports and any modifications to the action plan.

\_\_\_\_\_ Beginning Date \_\_\_\_\_ Ending Date

5. Establish the criteria for evaluating the project's success.
6. Identify resources needed and determine associated costs involved, if any.

7. Identify the affected employees, their position titles, position numbers, bargaining unit(s) and organizational locations.

8. Department Appointing Authority

☐ Approved

☐ Disapproved

\_\_\_\_\_  
Appointing Authority

\_\_\_\_\_  
Date

Comments:

9. DHR-LRT submits recommendation for approval/disapproval or suggested modification to the DHR Director.

☐ Recommend Approval

☐ Recommend Disapproval

\_\_\_\_\_  
DHR-LRT Representative

\_\_\_\_\_  
Date

Comments:

10. Approval of the EMP

☐ Approved

☐ Disapproved

\_\_\_\_\_  
DHR Director

\_\_\_\_\_  
Date

Comments:

## PART II (Consultation)

11. Conduct a formal consultation meeting with affected employees and the union(s) after receiving the Mayor's approval. Indicate the date of the consultation meeting and obtain the union representative's (s') signature(s) as an acknowledgement that the union(s)/employee group were consulted.

Date consultation conducted with affected employees: \_\_\_\_\_

_____ Signature of Union Representative	_____ Date
_____ Signature of Union Representative	_____ Date
_____ Signature of Appointing Authority or Representative	_____ Date

Comments:

**PART III (Modification or Waiver of Collective Bargaining Agreement)**

12. If modification or waiver is required, attach completed Memorandum of Agreement/ Supplemental Agreement.